

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Milton Ciplet, Individually and on behalf of all
Others similarly situated,

Plaintiff,

-against-

JP Morgan Chase & Co. and J.P. Morgan
Securities, Inc.,

Defendants.

Civil Action No. 08-CV-4580 (RMB)

MARK SCHARFF, PINE SASH DOOR &
LUMBER CO., INC., MARK SCHARFF &
ASSOCIATES LLC, 2170 MILL AVENUE
LLC, 6202-6217 REALTY LLC, MARK
SCHARFF ITF MICHAEL SCHARFF,
MARK SCHARFF ITF DANIEL SCHARFF
and MARK SCHARFF ITF ARIEL SCHARFF,

Plaintiff,

vs.

JPMORGAN CHASE BANK & CO., J.P.
MORGAN SECURITIES, INC., AND
CHASE INVESTMENT SERVICES CORP.

Defendants

Civil Action No. 08-CV-5026 (RMB)

**MOTION OF ROBERT H. SHENKER AND DAVID NIERENBERG
FOR CONSOLIDATION, APPOINTMENT AS
LEAD PLAINTIFF AND APPROVAL OF SELECTION OF LEAD COUNSEL**

PLEASE TAKE NOTICE that Robert H. Shenker and David Nierenberg, members of the proposed class, hereby respectfully move this Court, by their counsel, for an order in the form filed herewith: (1) consolidating the above-captioned actions; (2) appointing them as Lead Plaintiff pursuant to the Private Securities Litigation Reform Act of 1995 (the “PSLRA”); and (3) approving their selection of Stull, Stull & Brody and Weiss & Lurie as Lead Counsel. As per the Court conference held on August 20, 2008, the papers being submitted in connection with the motion of Robert H. Shenker and David Nierenberg are the same papers that were filed on August 4, 2008, namely, the Declaration of James Henry Glavin IV, dated August 4, 2008, and the exhibits annexed thereto, and the accompanying Memorandum of Law, dated August 4, 2008.

Dated: August 21, 2008

Respectfully submitted,

STULL, STULL & BRODY

By: /s/ James Henry Glavin IV
Jules Brody (JB-9151)
Mark Levine (ML-9620)
James Henry Glavin IV (JG-2188)
6 East 45th Street
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WEISS & LURIE

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Proposed Lead Counsel

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SCHARFF ITF MICHAEL SCHARFF,
MARK SCHARFF ITF DANIEL SCHARFF
and MARK SCHARFF ITF ARIEL SCHARFF,

Plaintiff,

vs.

JPMORGAN CHASE BANK & CO., J.P.
MORGAN SECURITIES, INC., AND
CHASE INVESTMENT SERVICES CORP.

Defendants

Civil Action No. 08-CV-5026 (WHP)

**[PROPOSED] ORDER GRANTING THE MOTION
OF ROBERT H. SHENKER AND DAVID NIERENBERG
FOR CONSOLIDATION, APPOINTMENT AS LEAD
PLAINTIFF AND APPROVAL OF SELECTION OF LEAD COUNSEL**

Having considered the motion(s) and supporting papers filed by the movant(s) for appointment as Lead Plaintiff and approval of selection of Lead Counsel in the above-captioned actions, and for good cause shown:

IT IS HEREBY ORDERED THAT:

1. The Motion of Robert H. Shenker and David Nierenberg for Consolidation, Appointment as Lead Plaintiff, and Approval of Selection of Lead Counsel is **GRANTED**.
2. The above-captioned actions arise out of common alleged facts and claims against JPMorgan Chase & Co. and certain of its affiliates. Accordingly, they are hereby consolidated pursuant to Rule 42(a) of the Federal Rules of Civil Procedure.
3. Robert H. Shenker and David Nierenberg are **APPOINTED** Lead Plaintiff pursuant to Section 21D (a)(3)(B) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 ("PSLRA").
4. The law firms of Stull, Stull & Brody and Weiss & Lurie are **APPOINTED** to serve as Lead Counsel pursuant to Section 21D(a)(3)(B) of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the PSLRA.

SO ORDERED this _____ day of _____, 2008:

U.S.D.J.